

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Original): *Brevibacillus choshinensis* not forming spores.

Claim 2 (Original): *Brevibacillus choshinensis* having the following mycological properties and not forming spores:

(a) Morphology:

size of cell:

liquid medium: 0.4 to 0.6 × 1.5 to 4 μm,

form of cell: bacillus,

presence or absence of spore: absence,

(b) Physiological properties:

reduction of nitrate: -,

VP test: -,

utilization of citric acid: +,

urease: -,

oxidase: +,

catalase: +,

(c) Other properties:

temperature resistance: die at 60°C.

Claim 3 (Original): *Brevibacillus choshinensis* not forming spores, characterized in that its sporulation-associated gene *hos* is inactivated.

- Claim 4 (Original): *Brevibacillus choshinensis* as claimed in claim 3, wherein the sporulation-associated gene *hos* has a base sequence of SEQ ID NO:1.

Claim 5 (Original): *Brevibacillus choshinensis* not forming spores, of which the extracellular and/or intracellular protease activity has been reduced or lost.

Claim 6 (Original): *Brevibacillus choshinensis* having the following mycological properties and not forming spores:

(a) Morphology:

size of cell:

liquid medium: 0.4 to 0.6×1.5 to $4 \mu\text{m}$,

form of cell: bacillus,

presence or absence of spore: absence,

(b) Physiological properties:

reduction of nitrate: -,

VP test: -,

utilization of citric acid: +,

urease: -,

oxidase: +,

catalase: +,

(c) Other properties:

temperature resistance: die at 60°C ,

extracellular protease activity: low or absent,

intracellular protease activity: low or absent.

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Preliminary Amendment

- Claim 7 (Original): *Brevibacillus choshinensis* characterized in that its extracellular major protease gene emp is inactivated.

Claim 8 (Original): *Brevibacillus choshinensis* as claimed in claim 7, wherein the extracellular major protease gene emp has a base sequence of SEQ ID NO:3.

Claim 9 (Original): *Brevibacillus choshinensis* characterized in that its intracellular major protease gene imp is inactivated.

Claim 10 (Original): *Brevibacillus choshinensis* as claimed in claim 9, wherein the intracellular major protease gene imp has a base sequence of SEQ ID NO:5.

Claim 11 (Original): *Brevibacillus choshinensis* characterized in that its extracellular major protease gene emp and its intracellular major protease gene imp are inactivated.

Claim 12 (Original): *Brevibacillus choshinensis* as claimed in claim 11, which does not form spores.

Claim 13 (Original): *Brevibacillus choshinensis* HPD31-SP3 (FERM BP-08479).

Claim 14 (Currently Amended): *Brevibacillus choshinensis* constructed by transforming the *Brevibacillus choshinensis* of claim 1 ~~as claimed in any one of claims 1 to 13~~, with an expression vector having a protein-encoding gene inserted thereinto.

Claim 15 (Original): A method for producing a protein, characterized by including a step of cultivating the *Brevibacillus choshinensis* transformant of claim 14.

Claim 16 (Currently Amended): A method for producing a recombinant protein, characterized by using the *Brevibacillus choshinensis* as claimed in claim 1 ~~any one of claims 1 to 13~~, as a host in recombinant protein production.

Claim 17 (New): *Brevibacillus choshinensis* constructed by transforming the *Brevibacillus choshinensis* of claim 2, with an expression vector having a protein-encoding gene inserted thereinto.

Claim 18 (New): *Brevibacillus choshinensis* constructed by transforming the *Brevibacillus choshinensis* of claim 3, with an expression vector having a protein-encoding gene inserted thereinto.

Claim 19 (New): *Brevibacillus choshinensis* constructed by transforming the *Brevibacillus choshinensis* of claim 4, with an expression vector having a protein-encoding gene inserted thereinto.

Claim 20 (New): *Brevibacillus choshinensis* constructed by transforming the *Brevibacillus choshinensis* of claim 5, with an expression vector having a protein-encoding gene inserted thereinto.